

US.Pat.Apl.No: 10/572,850

Docket: 358-14US

Applicant: Ambrose

Filing Date: 22 March 2006

Remarks

submitted November 2009

[001] This is responsive to the Office Action dated 06 August 2009.

[002] Amendments

Please enter the amended claims, as attached.

[003] Comments on the amendments

New claim 20 has been added, in order to emphasize the feature that the valve operates automatically, in response to changes in the pressure differential.

Clause numbers have been added to some of the claims, for reference. (Addition of clause numbers does not "amend" the claims.)

[004] Information Disclosure

We enclose a further IDS, which references three patents, namely US-4,592,179, CA-1,257,065 and CA-2,607,378, which have been uncovered recently in connection with this patent application. Copies of the two non-USA patents are being sent by regular mail.

We note that the PTO examiners, in formulating this O/A, did not consider Canadian patents CA-2,456,610 and 2,477,701. However, the examiners *should* have considered these two patents. These two CA patents were cited in the PCT International Search Report. PTO examiners are not allowed, during National Phase examination, to ignore prior art that has been properly and fully cited in the International Search Report from which the US national application is derived.

We look forward to being notified, in due course, that these five patents have been properly considered.

[005] Restriction

In fact, the applicants did not admit that each of the species are obvious over one another. Rather, what the applicants intended to point out was that the specification itself cannot be used as a component of an allegation that the claims of the specification are obvious with respect to each other.

[006] Objections

Clause [4] of claim 1 has been amended, to remove the "double introduction".

We request that the objection, in claim 1, to the dash or hyphen after "includes" be withdrawn. The dash or hyphen serves to emphasize the link between clause [2] and clauses [3] to [6].

The amendments to claim 19 address the objection.

[007] Rejection of claim 1 under 35.U.S.C.102 in view of Ricks

Clause [11] of claim 1 recites:

the operator is effective to operate the valve in response to a change in the pressure differential between the air in the vault and the air outside the vault;

The PTO examiners suggest that this feature is disclosed in the Abstract to the Ricks patent.

To be sure, the Abstract discloses that, in Ricks, the vault is connected to the outside air when the valve is opened. But the Abstract does not disclose that the valve opens or closes *responsively to a change in the pressure difference* between the vault and the outside.

In fact, what the Ricks specification, as a whole, discloses is that the valve opens or closes responsively to a person operating the valve *manually*. In Ricks, a person makes a human decision whether or not to open the valve. In Ricks, it is not clear that the person would, even sometimes, be able to tell when the pressure differential had changed to a level that made it advisable to open the valve. In Ricks, the valve operates only in response to a human person making a mental decision to operate it.

Ricks discloses that when the valve is open, the vault is connected to the outside. But such disclosure does not at all anticipate the feature claimed in claim 1, namely that

our valve opens/closes in response to a change in the pressure differential between the vault and the outside.

That being so, the 35.U.S.C.102 rejection of claim 1 cannot be sustained, and must be withdrawn.

[008] Rejection of claims 2-19

All the other claims depend from claim 1. So, the '102 rejection of claim 1 being untenable, the '102 and '103 rejections of claims 2-19 become moot.

[009] This patent application being now in all respects in order for allowance, we look forward to being notified to that effect.

Submitted by:

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Enclo:-

- further IDS (1 page)
- amended claims (5 pages)
- (two CA patents to follow by post)